

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

SHERRELL WILSON,	:	CASE NO. 1:06-CR-338
Petitioner-Defendant,	:	
v.	:	ORDER
UNITED STATES OF AMERICA,	:	[Resolving Doc. No. 682 .]
Respondent-Plaintiff.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Petitioner Sherrell Wilson pleaded guilty in 2007 to trafficking marijuana and cocaine, and received a sentence of 240 months' imprisonment. [[Doc. 469](#).] On June 19, 2012, this Court dismissed his petition filed under [28 U.S.C. § 2255](#) to vacate that sentence, and denied his motion to toll the relevant limitations period. [[Doc. 680](#).] On July 5, 2012, Wilson filed a notice of appeal of that order to the United States Court of Appeals for the Sixth Circuit. [[Doc. 681](#).] That appeal is still pending. Eleven days later, he filed a motion for reconsideration of that order in this Court. [[Doc. 682](#).]

Wilson's notice of appeal divested this Court of jurisdiction to reconsider its original order. *United States v. Garcia-Robles*, 562 F.3d 763, 767-68 (6th Cir. 2009); see also *Adkins v. Jeffreys*, 327 F. App'x 537, 539 (6th Cir. 2009) ("It is clear that the filing of a notice of appeal operates to transfer jurisdiction of the case to the court of appeals, and the district court is thereafter without jurisdiction except to act in aid of the appeal."). Accordingly, Wilson's motion for reconsideration

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is **DENIED**.

IT IS SO ORDERED.

Dated: September 14, 2012

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE